

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

FREDERICK A. POSTIE,	:	
Plaintiff	:	CIVIL ACTION NO. 3:14-00317
v.	:	(MANNION, D.J.) (MEHALCHICK, M.J.)
SGT. DUANE FREDERICK, OFFICER ADAM SINTON, JR., and RUSH TOWNSHIP,	:	
Defendants	:	

ORDER

In accordance with the memorandum issued this same day, **IT IS
HEREBY ORDERED THAT:**

- (1) the report and recommendation of Judge Mehalchick, **(Doc. 51)**,
is **ADOPTED IN ITS ENTIRETY**;
- (2) The defendants' motion to partially dismiss the plaintiff's
second amended complaint, **(Doc. 46)**, is **GRANTED IN
PART AND DENIED IN PART**.
- (3) The defendants' motion to dismiss the plaintiff's 42 U.S.C.
§1983 claims arising under the Fourteenth Amendment is
GRANTED as to all defendants and the claims are
DISMISSED WITH PREJUDICE.
- (4) The defendants' motion to dismiss the plaintiff's §1983
claims arising under the Fourth Amendment for abuse of
process and loss of privacy is **GRANTED** as to all

defendants and the claims are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to Fed.R.Civ.P. 12(b)(6).

- (5) The defendants' motion to dismiss the plaintiff's state law claims for abuse of process and failure to intervene is **GRANTED** as to all defendants and the claims are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to Fed.R.Civ.P. 12(b)(6).
- (6) The defendants' motion to dismiss the plaintiff's state law claim for assault and battery is **GRANTED** and **DISMISSED WITH PREJUDICE** as to defendant Frederick for failure to state a claim pursuant to Fed.R.Civ.P. 12(b)(6), but **DENIED** as to defendant Sinton.
- (7) The Clerk of Court is directed to **TERMINATE** defendant Rush Township from this action.
- (8) The matter is remanded to Judge Mehalchick for further proceedings.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: August 29, 2016

O:\Mannion\shared\MEMORANDA - DJ\CIVIL MEMORANDA\2014 MEMORANDA\14-0317-02-ORDER.wpd